



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during March 2011

DISTRIBUTED: April 7, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Maine Woods Pellet Company, LLC, Athens, Maine. Maine Woods Pellet Company, LLC ("Maine Woods") violated provisions of its Department-issued air emission license by failing to operate air pollution systems in a manner consistent with good air pollution control practice. Specifically, Maine Woods continued to operate the facility without replacing bags in the baghouse that were destroyed in a fire and operated the facility without a working wet scrubber. In addition, Maine Woods failed to keep maintenance logs for the baghouse, failed to notify the Department of the baghouse fire or wet scrubber breakdown as required by the facility's license, failed to maintain a log of operating hours, exceeded the facility's license limit for propane use, and failed to establish compliance with the facility's license limit for particulate matter within the time prescribed by the license. To resolve the violations, Maine Woods will pay \$31,220 as a civil monetary penalty pursuant to the terms of a payment plan.

Mining:

Kevin Barbee, Sullivan, Maine. Kevin Barbee ("Barbee") violated Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a Notice of Intent to Comply with the *Performance Standards for Excavations*. Following Department involvement, Barbee submitted the required Notice of Intent to Comply. To resolve the violation, Barbee paid \$5,000 as a civil monetary penalty.

Gerard Goodwin, Franklin, Maine. Gerard Goodwin ("Goodwin") violated Maine's *Performance Standards for Excavations* by: expanding a gravel pit by more than five acres since 1970 without first filing a Notice of Intent to Comply with the *Performance Standards for Excavations*; failing to maintain a natural buffer strip at least 50 feet wide between an excavation and a public right of way; and by excavating within five feet of the seasonal high water table. Following Department involvement, Goodwin submitted the required Notice of Intent to Comply, backfilled and graded the area that had been mined below the seasonal high water table, and revegetated some areas. To resolve the violations, Goodwin agreed to restore the area to bring the pit into compliance with the *Performance Standards for Excavations* and paid \$15,000 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Robert Pagliarulo, Saco, Maine. Robert Pagliarulo ("Pagliarulo") violated Maine's *Natural Resources Protection Act* by first constructing, or causing to be constructed, a permanent structure in a protected natural resource without first obtaining a permit from the Department and subsequently failing to comply with the conditions of an after-the-fact Department-issued permit for the structure. Specifically, Pagliarulo constructed a boardwalk through a freshwater wetland without a permit.



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Subsequently, the Department issued an after-the-fact permit for the boardwalk, however, the permit required that the width of the boardwalk be reduced and that the boardwalk be elevated above base flood elevation. Pagliarulo appealed the Department's decision to the Board of Environmental Protection seeking to retain the boardwalk as originally constructed. The Board denied Pagliarulo's appeal. Pagliarulo failed to reconstruct the board walk as required by the permit and decision of the Board. To resolve the violations, Pagliarulo and the Department entered into a Consent Decree and Order in which Pagliarulo agreed to reconstruct the boardwalk in accordance with the permit and the decision of the Board, and paid \$3,585 as a civil monetary penalty.